

DOCKET NO.: 3072003/3DP-0558
Application No.: 10/089,167
Office Action Dated: July 28, 2004

**PATENT
REPLY FILED UNDER EXPEDITED
PROCEDURE PURSUANT TO
37 CFR § 1.116**

REMARKS

Claims 1 to 6 and 8 to 11 are pending in the application and stand finally rejected as follows:

- Claims 1 to 6 and 8 to 11 are rejected under 35 U.S.C. § 112, first paragraph;
- Claims 1, 3, 4, and 11 are rejected under 35 U.S.C. § 103(a).

Applicants acknowledge the withdrawal of the previous rejections of:

- Claim 3 under 35 U.S.C. § 112, first paragraph;
- Claims 1 to 6, 8, and 9 under 35 U.S.C. § 112, second paragraph; and
- Claims 8 and 9 under 35 U.S.C. § 101.

Applicants are herein amending claims 1, 2, 5, 6, and 8.

Amendments

Applicants are herein amending claim 1 to specify that R^2 and R^3 may be an attachment to a solid support. Support for the amendment may be found in the specification on, *inter alia*, page 10, line 26 to page 11, line 22. Applicants respectfully submit that no new matter is introduced by the amendments to claim 1.

Applicants are herein amending claims 2, 5, 6, and 8 to present them as independent claims. Applicants respectfully submit that no new matter is introduced by the amendments to claim 1.

Applicants request entry of the amendment under 37 C.F.R. § 1.116(b) because the amendments to the claims either cancel claims or comply with requirements of form expressly set forth in the Office Action.

Rejection under 35 U.S.C. § 112, first paragraph

Claims 1 to 6 and 8 to 11 are rejected under 35 U.S.C. § 112, first paragraph, for allegedly introducing new matter by amending R^2 and R^3 of claim 1 to specify that either may be a linking moiety to a solid support. While applicants believe that the passage on page 10, line 26 to page 11, line 22 supports such an amendment implicitly and explicitly (while not verbatim), applicants are herein further amending claim 1 to specify R^2 and R^3 of claim 1 may be an "attachment" to a solid support. Applicants respectfully submit that claims 1 to 6 and 8 to 11, as amended, meet the written description requirement. Accordingly, applicants request withdrawal of the rejection under 35 U.S.C. § 112, first paragraph.

Rejection under U.S.C. § 103(a)

Claims 1, 3, 4, and 11 are finally rejected under 35 U.S.C. § 103 as allegedly obvious over US-A-5,783,577 or WO 98/11438 ("*Houghten*"). Applicants respectfully traverse the rejection because there is no motivation to modify the cited reference to achieve applicants' claimed invention.

Houghten does not disclose, teach, or suggest the substituted quinazolinone claimed by applicants. More specifically, *Houghten* and the claimed compounds differ in at least the following ways and as illustrated in the enclosed diagram:

- The cyclohexyl portion of the compounds of Formula I of the invention is substituted by the group $(CH_2)_mNR^2R^3$, whereas the cyclohexyl group of the *Houghten* reference (when attached to a methylene unit) is unsubstituted (See column 6, line 35).
- The $(CH_2)_mNR^2R^3$ group in compounds of Formula I of the invention may not be attached to the carbon atom or alkyl group adjacent to the nitrogen atom of the quinazolinone ring, whereas the Y group (which may be methylamine or N-alkylated amine) is attached to the carbon group to the nitrogen atom of the quinazolinone ring in column 8, lines 7 to 21.

- The $(\text{CH}_2)_m\text{NR}^2\text{R}^3$ group in compounds of Formula I of the invention is attached in variable positions on the cyclohexyl ring, whereas in Houghton when R^1 is C_3 to C_7 substituted cycloalkyl the amino group is attached directly to the cycloalkyl ring without any alkylene linking moiety. Furthermore, in such compounds, the alkylene linking unit between the quinazolinone ring and the cycloalkyl group is also missing.

Applicants respectfully submit that it has not established in the office action that the claimed invention is *prima facie* obvious. To establish a proper *prima facie* rejection, the following elements must be shown:

- (1) the reference(s) is (are) available as prior art against the claimed invention;
- (2) the motivation (explicit or implicit) provided by the reference(s) that would have rendered the claimed invention obvious to one of ordinary skill in the art at the time of the invention;
- (3) a reasonable expectation of success;
- (4) the basis for concluding that the claimed invention would have been obvious to do, not merely obvious to try; and
- (5) the reference(s) teach(es) the claimed invention as a whole.

Applicants submit that elements 2, 3, 4 and 5 have not been established. Hence, a *prima facie* obviousness rejection is improper. *In re Grabiak*, 769 F.2d 729, 733, 226 U.S.P.Q. 870, 873 (Fed. Cir. 1983).

Applicants submit that there is no disclosure, teaching, or suggestion in *Houghten* to modify the disclosed subgenus to reach applicants' claimed invention in the manner described above, namely inclusion of both:

- alkylene linking unit between the quinazolinone ring and the cycloalkyl group; and
- alkylene linking unit between amino substitution and cyclohexyl ring.

It is alleged that a skilled artisan would be motivated to modify the reference to achieve the presently claimed invention because "one would have expected those compounds to have a pharmacological property acknowledged by Houghten *et al.*" Applicants disagree that the cited reference suggest the utilities claimed by applicants, namely use in methods of

antagonizing glycoprotein IbIX receptors, controlling a thrombotic disorder and sequelae deriving therefrom, or preventing adhesion on a foreign surface in contact with a patient. *Houghten*, on the other hand, discloses the use of its compounds for their “hypnotic, sedative, analgesic, anticonvulsant, antitussive, and anti-inflammatory effects.” Applicants submit that there is no established connection between the agents useful for their hypnotic, sedative, analgesic, anticonvulsant, antitussive, and anti-inflammatory effects” and agents useful for antagonizing glycoprotein IbIX receptors, controlling a thrombotic disorder and sequelae deriving therefrom, or preventing adhesion on a foreign surface in contact with a patient. Accordingly, it is respectfully submitted that a skilled artisan would have no expectation that the compounds of *Houghten* would be useful in methods of antagonizing glycoprotein IbIX receptors, controlling a thrombotic disorder and sequelae deriving therefrom, or preventing adhesion on a foreign surface in contact with a patient and thus would have no motivation to modify the reference to achieve applicants’ claimed compounds.

Accordingly, applicants respectfully request withdrawal of the rejection of claims 1 and 4 to 7 under 35 U.S.C. § 103(a) over US-A-5,783,577 or WO 98/11438 (“*Houghten*”).

Conclusions

Applicants respectfully request:

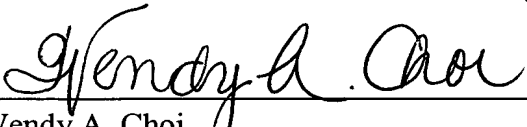
- entry of the amendments to claims;
- reconsideration and withdrawal of the rejection of the claims; and
- allowance of claims 1 to 6 and 8 to 11.

If the Examiner is of a contrary view, the Examiner is requested to contact the undersigned attorney at (215) 557-3861.

DOCKET NO.: 3072003/3DP-0558
Application No.: 10/089,167
Office Action Dated: July 28, 2004

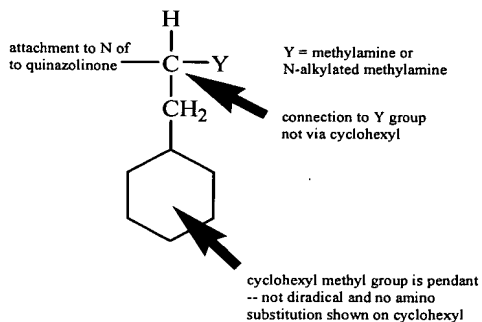
**PATENT
REPLY FILED UNDER EXPEDITED
PROCEDURE PURSUANT TO
37 CFR § 1.116**

Date: September 27, 2004

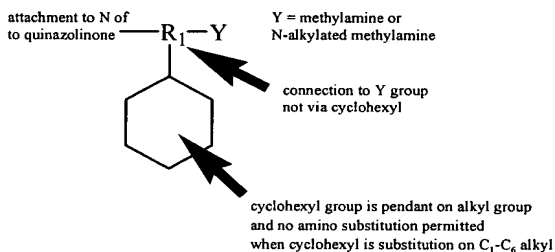

Wendy A. Choi
Registration No. 36,697

WOODCOCK WASHBURN LLP
One Liberty Place - 46th Floor
Philadelphia PA 19103
Telephone: (215) 568-3100
Facsimile: (215) 568-3439

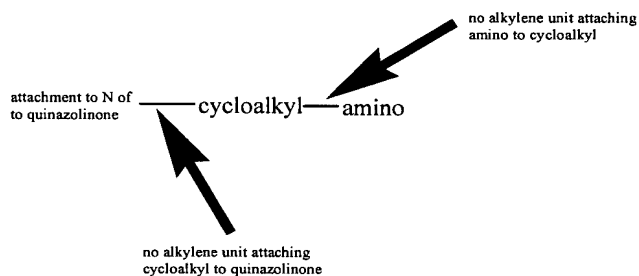
Houghten



See column 6, structure at line 35



See column 8, lines 7 to 21



See column 8, lines 43 to 49

Claimed Invention

